

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ANTONIO MARSELIS JONES,

Petitioner,

v.

THE STATE OF PENNSYLVANIA,
et al.,

Respondents.

CIVIL ACTION NO. 1:15-CV-1283

(RAMBO, J.)

(SAPORITO, M.J.)

REPORT AND RECOMMENDATION

On June 30, 2015, the Court received and filed a *pro se* petition for a writ of habeas corpus submitted pursuant to 28 U.S.C. § 2254, signed and dated by the petitioner on June 15, 2015. (Doc. 1). In this petition, Jones seeks to have this Court direct the Court of Common Pleas of York County, Pennsylvania, to address petitioner's motion to dismiss for want of prosecution the charges filed against him in York County Court of Common Pleas Criminal Docket CP-67-CR-0001286-2013. (Doc. 1, p. 5)

On August 24, 2015, in response to the Court's show cause order of August 11, 2015 (Doc. 7), the respondents filed a response to the petition suggesting that the petition is moot by virtue of the dismissal of the underlying York County criminal matter. (Doc. 8). On July 14,

2015, the York County District Attorney's Office withdrew the charges which are the subject of the petition, *i.e.*, summary offenses and a misdemeanor driving under the influence punishable by 72 hours – 6 months, docketed to York County Court of Common Pleas case number CP-67-CR-0001286-2013. (Doc. 8, p. 2). Attached to the Doc. 8 response is a copy of the order of dismissal issued by the Court of Common Pleas of York County. (Doc. 8-1).

Because Jones “has achieved the result he sought in his habeas petition and his change in circumstances has ‘forestalled any occasion for meaningful relief,’” his habeas petition is now moot. *Nunes v. Decker*, 480 Fed. App’x 173, 175 (3d Cir. 2012) (quoting *Artway v. Attorney Gen.*, 81 F.3d 1235, 1246 (3d Cir. 1996)); *see also Rojas v. Lowe*, No. 1:CV-13-871, 2013 WL 5876851, at *3 (M.D. Pa. Oct. 30, 2013).

Accordingly, it is recommended that the petition (Doc. 1) be
DISMISSED AS MOOT and this case be marked as **CLOSED**.

Joseph F. Saporito, Jr.
United States Magistrate Judge

Dated: September 21, 2015

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ANTONIO MARSELIS JONES,

Petitioner

v.

THE STATE OF PENNSYLVANIA,
Et al.,

Respondents

CIVIL NO. 1:CV-15-1283

(RAMBO, J.)

(SAPORITO, M.J.)

NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing Report and Recommendation dated September 21 2015. Any party may obtain a review of the Report and Recommendation pursuant to Local Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636(b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may

consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Dated: September 21, 2015

s/ Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge